

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-2327

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Donald R. Tyes,

Appellant,

v.

Weldon Wilhoit; Frederick M. Mills;  
John Gordon; James Keathley; Dennis  
Overby; Larry Bodenhammer;  
Missouri State Highway Patrol;  
Michael Pace, individually and in  
his official capacity as Major of the  
Missouri State Highway Patrol,

Appellees.

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Appeal from the United States  
District Court for the Western  
District of Missouri.

[UNPUBLISHED]

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Submitted: March 27, 2001

Filed: April 3, 2001

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Before RICHARD S. ARNOLD, FAGG, and BOWMAN, Circuit Judges.

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PER CURIAM.

Donald R. Tyes was employed at the Missouri State Highway Patrol (MSHP). After Tyes applied for and was denied several positions, he brought this discrimination lawsuit against the MSHP and several of its officers alleging race discrimination,

retaliation, and disparate impact. The district court granted summary judgment to the defendants in a 127-page decision. The district court first concluded Tyes had suffered no adverse employment action by denial of a lateral transfer and Tye thus failed to establish a prima facie case. The district court also concluded Tye failed to create a genuine issue of fact regarding whether the MSHP's reason for the denial was pretextual. On appeal, Tyes argues the district court committed error in not finding pretext, citing Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000). Having carefully reviewed the record, we affirm on the basis of the district court's thorough summary judgment ruling.\* See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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\*The Honorable Robert E. Larson, United States Magistrate Judge for the Western District of Missouri.